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00-R-0175

Entered - 01/13/00 - sb
CL00L0010 - DIANNE C. MITCHELL

CLAIM OF: SIDNEY A. GOLD,
through his attorney,
Eugene R. Kiser
150 River North Circle
Atlanta, Georgia 30328-0608

For damages alleged to have been sustained as a
result of a personal injury on October 27, 1999 at
the Atlanta Airport.

THIS ADVERSED REPORT IS
APPROVED

BY: *Rosalind Rubens Newell*
ROSALIND RUBENS NEWELL
DEPUTY CITY ATTORNEY

ADVERSE REPORT

CO: *Public Safety*

DATE: *2/15/2000*

V-C: *Debra Henderson*

Henry Brown

Michael Brown

John M. Evans

Barry Hall

ADVERSED BY FEB 21 2000
CITY COUNCIL

CERTIFIED
FEB 21 2000
John M. Evans
COUNCIL PRESIDENT PROTEM

CERTIFIED
FEB 21 2000
Rosalind Rubens Newell
MUNICIPAL CLERK



OFFICE OF MUNICIPAL CLERK

RHONDA DAUPHIN JOHNSON, CMC
MUNICIPAL CLERK

55 TRINITY AVENUE, S.W.
SECOND FLOOR, EAST
SUITE 2700
ATLANTA, GEORGIA 30335
(404) 330-6033
FAX (404) 658-6103

February 28, 2000

Eugene R. Kiser
Attorney at Law
150 River North Cir.
Atlanta, GA 30328-0608

00-R-0175

RE: Sidney A. Gold

Dear Attorney Kiser:

I sincerely regret that your client has been adversely affected by the circumstances raised in his/her claim for damages against the City of Atlanta. Your time and patience in this matter has been greatly appreciated.

However, I must notify you that the Atlanta City Council Adopted an Adverse Report on your client's claim at its regular meeting on February 21, 2000. In consultation with the City's Law Department, who conducted an investigation of the situation, the Council has determined that the City cannot accept responsibility for this matter and therefore cannot pay this claim.

If you desire any further information, please contact the City Attorney's Office/Claims Division at (404) 330-6400.

Yours very truly,

Rhonda Dauphin Johnson, CMC
Municipal Clerk

cc: Claims Division/Law Department

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 00L0010

Date: February 3, 2000

Claimant /Victim SIDNEY A. GOLD
BY: (Atty) Eugene R. Kiser
Address: 150 River North Circle, Atlanta, Georgia 30328-0608
Subrogation: Claim for Property damage \$ Bodily Injury \$ 15,000.00
Date of Notice: 01/06/00 Method: Written, proper X Improper
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X
Date of Occurrence 10/27/99 Place: Atlanta Airport
Department Aviation Bureau: Division
Employee involved Disciplinary Action:

NATURE OF CLAIM: The claimant alleges that he was injured when he fell due to a pipe that was protruding into the walkway. The claim has been forwarded the insurance carrier, A.I.G. Aviation, for handling.

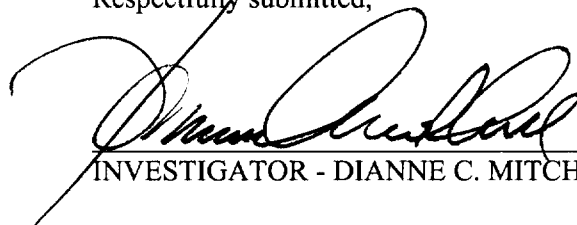
INVESTIGATION:

Statements: City employee Claimant Others Written Oral
Pictures Diagrams Reports: Police Dept Report Other
Traffic citations issued: City Driver Claimant Driver
Citation disposition: City Driver Claimant Driver

BASIS OF RECOMMENDATION:

Function: Governmental X Ministerial
Improper Notice More than Six Months Other X Damages reasonable
City not involved Offer rejected Compromise settlement
Repair/replacement by Ins. Co. Repair/replacement by City Forces
Claimant Negligent City Negligent Joint Claim Abandoned

Respectfully submitted,


INVESTIGATOR - DIANNE C. MITCHELL

RECOMMENDATION:

Pay \$ Adverse X Account charged: 1A01 2J01 2H01
Claims Manager: Concur/date 02-03-00
Committee Action: Council Action

Mitchell
01/12/00
Pen

LAW OFFICE
EUGENE R. KISER, ATTORNEY AT LAW, P.C.

150 River North Circle
Atlanta, GA 30328-1107
404-478-0606; FAX 404-478-0608

PERSONAL INJURY, PRODUCT LIABILITY
WRONGFUL DEATH, GENERAL TRIAL PRACTICE

CERTIFIED CIVIL TRIAL SPECIALIST
BY NATIONAL BOARD OF TRIAL ADVOCACY

Harmony Kiser, Paralegal

ENTERED - 1-13-00 - SB
00L0010 - DIANNE MITCHELL
January 4, 2000

Honorable Mayor William Campbell
Members of the City Council of the
City of Atlanta, GA
55 Trinity Avenue SW
Atlanta, GA 30303

RE: Sidney A. Gold
D/A: 10/27/99

Dear Mayor Campbell and Members of the
City Council of the City of Atlanta, Georgia:

Please be advised that I represent Sidney A. Gold in his claim for damages for his personal injuries that were negligently caused by a defect upon the property of the City of Atlanta Hartsfield Airport.

On October 27, 1999, Sidney A. Gold was walking along, looking where he was going, when he was caused to trip and fall over a small, difficult-to-see pipe that dangerously extended out onto a concrete walkway at the time that Mr. Gold was walking to the limousine parking area. Mr. Gold fell straight down over the extended pipe, hitting his chin and face on the concrete walkway.

Mr. Gold suffered injuries to his chin and face, which were lacerated and bleeding profusely. Mr. Gold's chin was hit so extensively that it caused his jawbone to move up, which bruised or contused his ear canals and inner ear, causing severe pain, especially upon chewing. Mr. Gold has suffered pain for many weeks.

Page Two

Mr. Gold has suffered medical bills of approximately \$1,000:

Northside Hospital Emergency Room	\$ 193
Atlanta Radiology Imaging Center, Ltd.	269
Dr. Wiley Parker	<u>283</u>
	\$ 745

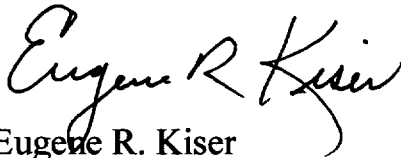
Mr. Gold went to the Atlanta Police Office at Hartsfield Airport, where they gave him First Aid, then police officer Lt. Orr took the attached report.

We hereby seek damages for Sidney A. Gold's personal injuries from the City of Atlanta, GA in the amount of \$15,000.

This letter is our Anti-litem Notice being sent well within the six-month period that is required by O.C.G.A. § 36-33-5.

Please contact me as soon as possible in order that we may get this matter settled without the necessity of a lawsuit.

Sincerely yours,



Eugene R. Kiser

ERK:hk
Enclosure

00- -0175

RCS# 1771
2/21/00
2:37 PM

Atlanta City Council

Regular Session

CONSENT AGENDA PAGES (1 - 9)

ADOPT

YEAS: 15
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 1
EXCUSED: 0
ABSENT 0

SEE ATTACHED LISTING OF
ITEMS ADOPTED/ADVERSED
ON CONSENT AGENDA

Y McCarty	Y Dorsey	Y Moore	Y Thomas
Y Starnes	Y Woolard	Y Martin	Y Emmons
Y Bond	Y Morris	Y Maddox	Y Alexander
Y Winslow	Y Muller	Y Boazman	NV Pitts

ITEMS REMOVED FROM
CONSENT AGENDA
00-O-0122
00-O-0123
00-R-0202
00-R-0020

00-O-0212 - Councilmember
Boazman Abstained

**ITEMS ADOPTED ON
CONSENT AGENDA**

1. 99-O-2072
2. 99-O-2073
3. 00-O-0127
4. 00-O-0124
5. 00-O-0126
6. 00-O-0066
7. 00-O-0125
8. 00-O-0211
9. 00-O-0212 *
10. 00-O-0213
11. 00-O-0207
12. 00-R-0220
13. 00-R-0196
14. 00-R-0209
15. 00-R-0180
16. 00-R-0176
17. 00-R-0174
18. 00-R-0145
19. 00-R-0146
20. 00-R-0147
21. 00-R-0148
22. 00-R-0149
23. 00-R-0150
24. 00-R-0151
25. 00-R-0152
26. 00-R-0153
27. 00-R-0154
28. 00-R-0155
29. 00-R-0156
30. 00-R-0157
31. 00-R-0158
32. 00-R-0159
33. 00-R-0160

**02/21/00 Council Meeting
ITEMS ADVERSED ON
CONSENT AGENDA**

34. 00-R-0161
35. 00-R-0162
36. 00-R-0163
37. 00-R-0164
38. 00-R-0165
39. 00-R-0166
40. 00-R-0167
41. 00-R-0168
42. 00-R-0169
43. 00-R-0170
44. 00-R-0171
45. 00-R-0172
46. 00-R-0173
47. 00-R-0175

* Councilmember Boazman
abstained from voting on item 00-
O-0212.